

REMARKS

Claims 1-6 are pending. Claims 1 and 6 have been amended. No new matter has been presented.

Claims 1-5 are rejected under 35 USC 102(e) as being anticipated by Ogata, U.S. Patent 6,614,720. This rejection is respectfully traversed.

Claim 1 recites a diffraction grating being formed line-symmetrically with respect to a virtual line perpendicular to a radius direction of the optical recording medium in an attached state and perpendicular to the light emitted from the light source, where adjacent diffraction regions of the diffraction grating having a phase difference of 180 degrees with each other. Although Ogata teaches a diffraction grating 20 at col. 7, lines 40-41; col. 7, line 41 to col. 8, line 1; col. 10, lines 38-40; col. 12, lines 11-13; and col. 13, lines 56-61, Ogata fails to teach or suggest the claimed phase difference in the diffraction grating 20. The Examiner is assuming that this limitation is met by Figs. 2B and 10B, but the claimed feature is not specifically taught by Ogata. Thus, Ogata does not disclose the diffraction grating of claim 1.

The remaining claims are allowable at least due to their respective dependencies. Applicant requests that this rejection be withdrawn.

Claim 6 is rejected under 35 USC 102(b) as being anticipated by Nomura, U.S. Patent 6,342,976. This rejection is respectfully traversed.

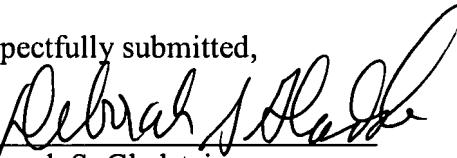
Claim 6 has been amended in a manner similar to claim 1. Applicant submits that Nomura fails to teach or suggest the claimed diffraction grating of claim 6. Applicant requests that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 275412002000.

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